

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA

Case No. 11- CR- 202 MO

v.

SUPERSEDING INDICTMENT

TU NGOC TRAN; MINH THY NGOC  
NGUYEN, aka Minh Thy Nguyen, Minaty  
Nguyen, Minthy Nguyen, Minhthy Nguyen;  
HUY ANH NGUYEN; and KIET ANH  
NGUYEN

Defendants.

UNDER SEAL

18 U.S.C. § 2;  
18 U.S.C. § 982;  
18 U.S.C. § 1014  
18 U.S.C. § 1956(a)(1)(A)(I);  
18 U.S.C. § 1956(a)(1)(B)(I));  
21 U.S.C. § 841(a)(1);  
21 U.S.C. § 841(b)(1)(A)(vii);  
21 U.S.C. § 841(b)(1)(B)(vii);  
21 U.S.C. § 846  
21 U.S.C. § 853  
21 U.S.C. § 963

FILED 2011 JUN 22 15:20 USDC-ORP

COUNT 1 - Conspiracy to Manufacture and Distribute Marijuana

Beginning on or before October 2, 2009, and continuing through January 7, 2011, within the District of Oregon, the Western District of Washington and elsewhere, defendants TU NGOC TRAN; MINH THY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhthy Nguyen; and HUY ANH NGUYEN, knowingly and intentionally combined, conspired, confederated and agreed with each other, and with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States:

(a) to manufacture marijuana, a Schedule I controlled substance, to wit: more than one thousand (1000) marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1); 841(b)(1)(A)(vii);

(b) to possess with intent to distribute, and to distribute marijuana, a Schedule I controlled substance in violation of Title 21, United States Code, Sections 841(a)(1); 841(b)(1)(A)(vii);

All in violation of Title 21, United States Code, Sections 846 and 963.

**COUNT 2 - Money Laundering**

Beginning on or before October 2, 2009, and continuing through January 7, 2011, in the District of Oregon and the Western District of Washington, defendants **TU NGOC TRAN; MINHTHY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhty Nguyen; and HUY ANH NGUYEN**, knowingly conducted or attempted to conduct financial transactions involving the proceeds of the unlawful manufacture and distribution of marijuana, knowing that the property involved in the financial transactions represented the proceeds of the unlawful manufacture and distribution of marijuana, with the intent to either:

(1) promote the carrying on of a specified unlawful activity, that is the manufacture and distribution of controlled substances (marijuana), in violation of Title 18, United States Code, Section 2 and Title 18, United States Code, Section 1956(a)(1)(A)(I), or

(2) conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of a specified unlawful activity, that is the manufacture and distribution of controlled substances (marijuana), in violation of Title 18, United States Code, Section 2 and Title 18, United States Code, Section 1956(a)(1)(B)(I).

**COUNT 3 - Manufacturing Marijuana - Rocky Butte Property**

Beginning on or before March 4, 2010, and continuing through December 21, 2010, in the District of Oregon, defendants **TU NGOC TRAN; MINHTHY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhty Nguyen; and HUY ANH NGUYEN**

knowingly and intentionally manufactured marijuana, a Schedule I controlled substance, to wit: more than one hundred (100) marijuana plants, a Schedule I controlled substance, in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Sections 841(a)(1); 841(b)(1)(B)(vii);

**COUNT 4 - Manufacturing Marijuana - Bella Vista Property**

Beginning on or before October 2, 2009, and continuing through December 21, 2010, in the District of Oregon and the Western District of Washington, defendants **TU NGOC TRAN; MINH THY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhty Nguyen; and HUY ANH NGUYEN** knowingly and intentionally manufactured marijuana, a Schedule I controlled substance, to wit: more than one hundred (100) marijuana plants, a Schedule I controlled substance, in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Section 841(a)(1); 841(b)(1)(B)(vii);

**COUNT 5 - Manufacturing Marijuana - Pacific Property**

Beginning on or about August 6, 2010, and continuing through December 21, 2010, in the District of Oregon defendants **TU NGOC TRAN and HUY ANH NGUYEN**, knowingly and intentionally manufactured marijuana, a Schedule I controlled substance, to wit: more than one hundred (100) marijuana plants, a Schedule I controlled substance, in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Section 841(a)(1); 841(b)(1)(B)(vii).

**COUNT 6 - False Statement on a Loan Application - 18 U.S.C. §§ 2, 1014**

1. Between October 19, 2009, and December 31, 2009, in the District of Oregon, defendant **HUY ANH NGUYEN** knowingly made false statements on a loan application for the purpose of influencing the action of a mortgage lending business, namely, Academy Mortgage, a

financial institution under 18 United States Code, Section 20, in connection with an application, purchase, purchase agreement, commitment, and loan, in that **HUY ANH NGUYEN**:

a. Falsely represented that 2915 NE Rocky Butte Road, Portland, Oregon, 97220 would be his primary residence, when in truth and in fact, **HUY ANH NGUYEN** did not intend to use, and did not use, 2915 NE Rocky Butte Road, Portland, Oregon, 97220 as his primary residence; and

b. falsely represented to Academy Mortgage that no portion of the down payment for the purchase of the real property at 2915 NE Rocky Butte Road, Portland, Oregon, 97220 was borrowed when in truth and in fact **HUY ANH NGUYEN** knew that statement was false.

**COUNT 7 - False Statement on a Loan Application - 18 U.S.C. §§ 2, 1014**

1. Between October 19, 2009, and December 31, 2009, in the District of Oregon, defendant **KIET ANH NGUYEN** knowingly made false statements on a loan application for the purpose of influencing the action of a mortgage lending business, namely, Academy Mortgage, a financial institution under 18 United States Code, Section 20, in connection with an application, purchase, purchase agreement, commitment, and loan, in that **KIET ANH NGUYEN**:

a. Falsely represented to Academy Mortgage that 2915 NE Rocky Butte Road, Portland, Oregon, 97220, would be his primary residence, when in truth and in fact, **KIET ANH NGUYEN** did not intend to use, and did not use, 2915 NE Rocky Butte Road, Portland, Oregon, 97220 as his primary residence; and

b. falsely represented to Academy Mortgage that no portion of the down payment for the purchase of the real property at 2915 NE Rocky Butte Road, Portland, Oregon, 97220 was borrowed when in truth and in fact **KIET ANH NGUYEN** knew that statement was false; and

c. falsely represented to Academy Mortgage that \$150,000 of the funds used to pay the down payment and/or closing costs in the purchase of real property at 2915 NE Rocky Butte Road, Portland, Oregon, 97220, was a gift when in truth and in fact, as **KIET ANH NGUYEN** well knew, \$150,000 was not a gift.

**FORFEITURE ALLEGATION- Conspiracy to Manufacture and Distribute Marijuana**

Upon conviction of one or more of the controlled substance offenses alleged in Counts 1, 3, 4, and 5 of this Indictment, defendants **TU NGOC TRAN; MINH THY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhty Nguyen; and HUY ANH NGUYEN,** shall forfeit to the United States pursuant to 18 United States Code, Section 982 and 21 United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

**PROCEEDS**

A sum of money equal to \$50,000 in United States currency, representing the amount of proceeds obtained as a result of the offense, Conspiracy to Manufacture and Distribute Marijuana for which the defendants are jointly and severally liable.

**REAL PROPERTY**

1. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at **2915 NE Rocky Butte Road, Portland, Multnomah County, Oregon,** real property with buildings, appurtenances, and improvements, and more particularly described as:

LOT 10, BLOCK 2, OLYMPUS ESTATES, IN THE CITY OF PORTLAND,  
MULTNOMAH COUNTY, STATE OF OREGON

2. All the lots or parcels of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at and adjacent to **14119 SE Bella Vista Circle, Vancouver, Clark County, Washington**, real property with buildings, appurtenances, and improvements, and more particularly described as:

**Parcel # 91600-000:**

Lots 8 and 9, BELLA VISTA, according to the plat thereof, recorded in Volume D of Plats, Page 25, records of Clark County, Washington. EXCEPT the South 200 feet thereof, according to the plat thereof, recorded in Volume D of Plats, Page 25, records of Clark County, Washington.

Lot 20, BELLA VISTA, according to the plat thereof, recorded in Volume D of Plats, Page 25, records of Clark County, Washington.

**Parcel # 91460-00:**

Lot 6, BELLA VISTA, according to the plat thereof, recorded in Volume D of Plats, Page 25, records of Clark County, Washington.

**Parcel # 91610-000 and 91620-000:**

Lots 21 and 22, BELLA VISTA, according to the plat thereof, recorded in Volume D of Plats, Page 25, records of Clark County, Washington, lying West of the following described line: beginning at the Northwest corner of Lot 5; then Northerly to a point of intersection of the Southerly line of Primary State Highway #8 and the West line of Lot 22 and the terminus of said line. TOGETHER WITH the vacated 20 foot County Road lying North of and abutting Lot 6 of

said plat. EXCEPT that portions of Lots 21 and 22, conveyed to the State of Washington by deed recorded under Auditor's File No. G 115758 and G 116918.

### 3 CONVEYANCES

- a) a silver 2004 Acura MDX, VIN 2HNYD18894H514626 registered to Mihnthy Nguyen ;
- b) a grey/silver 1998 BMW M3, VIN WBSBK0332WEC38528 registered to Mihnthy Nguyen;
- c) a 2005 grey Porsche Cayenne SUV, VIN WP1AA29P75LA24524, registered to Mihnthy Nguyen; and
- d) a 2001 silver Lexus sedan, VIN JTHBD182810019596 registered to Huy Nguyen.

If any of the above-described forfeitable property in the forfeiture allegations, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

### FORFEITURE ALLEGATION -Money Laundering

Upon conviction of one or more of the controlled substance offenses alleged in Count 2 of this Indictment, defendants **TU NGOC TRAN; MINH THY NGOC NGUYEN, aka Minaty Nguyen, aka Minthy Nguyen, aka Minhty Nguyen; and HUY ANH NGUYEN,** shall forfeit

to the United States pursuant to 18 United States Code, Section 982 and 21 United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

**PROCEEDS**

A sum of money equal to \$50,000 in United States currency, representing the amount of proceeds obtained as a result of the offense, Money Laundering, for which the defendants are jointly and severally liable.

**REAL PROPERTY**

1. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at **2915 NE Rocky Butte Road, Portland, Multnomah County, Oregon**, real property with buildings, appurtenances, and improvements, and more particularly described as:

LOT 10, BLOCK 2, OLYMPUS ESTATES, IN THE CITY OF PORTLAND,  
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- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

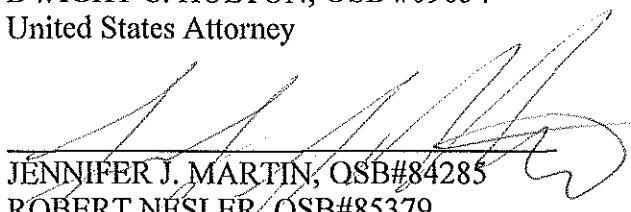
Dated this 22<sup>nd</sup> day of June 2011.

A TRUE BILL.

—  
OFFICIATING FOREPERSON

Presented by:

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